

II. Double Patenting Rejections

The examiner imposes upon the elected claims an “obviousness-type” double patenting rejection in view of Applicant’s issued U.S. Pat. No. 6,670,421 B1. Applicant disagrees with the basis for the rejection. Nevertheless, and with the understanding that such does not constitute an admission as to the propriety of the double-patenting rejection, *see Quad Environmental Technologies Corp. v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991), a terminal disclaimer, executed by an authorized representative of ACI Technologies, LLC, owner of the instant application as well as U.S. Pat. No. 6,670,421 B1, is submitted herewith.¹

Applicant further notes the imposition of a provisional “obviousness-type” double patenting rejection in view of Applicant’s co-pending application Serial No. 10/666,719, which application is a divisional of the instant case. Inasmuch as the claims of the ‘719 application represent those claims withdrawn from consideration in the instant application in the face of the examiner’s restriction requirement, Applicant respectfully submits that the instant provisional “obviousness-type” double-patenting rejection is improper under 35 U.S.C. Section 121.

¹ Further submitted herewith is ACI Technologies, LLC’s Statement Under 37 CFR Section 3.73(b), and accompanying evidence establishing its ownership of the instant application.

III. Remarks

Applicant thanks the examiner for the courtesy of the telephone interview of August 3, 2004, during which interview the examiner indicated that this case would be in condition for allowance if Applicant complied with the terminal disclaimer requirement and further amended claim 56 to remove recitation of “non-olefinic” in lines 8-9. By this paper, Applicant believes that the foregoing requirements have been satisfied and, accordingly, allowance of this application is respectfully solicited.

IV. Conclusion

In view of the foregoing, Applicant submits that the claims are in condition for immediate allowance, and the favor of facsimile confirmation of such allowance is solicited. Of course, the examiner is invited to contact Applicant's undersigned counsel at (734) 662-0270 if she should have any questions respecting this paper, or if a telephone interview might otherwise expedite the prosecution of this case.

Respectfully submitted,

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